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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,292	01/03/2002	Thomas Edward Cezeaux	338528008US1	8337

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EXAMINER	
HOYE, MICHAEL W	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/039,292	CEZEAUX ET AL.	
	Examiner	Art Unit	
	Michael W. Hoye	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/8/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicants' arguments, see the Remarks/Response, filed on December 22, 2006, with respect to the rejection of currently amended independent claim 51 under 35 U.S.C. 102(e), and currently amended independent claims 39 and 46 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of in view of Rangan et al (USPN 6,154,771) and Ellis et al (USPN 6,732,367), with regards to amended independent claim 51, and in view of Rangan et al (USPN 6,154,771), Ellis et al (USPN 6,732,367), and Markel (US 2002/0059629), with regards to amended independent claims 39 and 46, as applied in the rejections presented below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367).

Regarding claim 51, Rangan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on-demand system (see col. 21,

lines 23-27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11 lines 40 - 63, col. 11 lines 17 - 26, see col. 15 lines 14 - 18) based on a user profile. In addition, Rangan clearly teaches in col. 12, lines 38-48 that:

> The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for **each single one** of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. **Each and every client SUV** may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, **in accordance with his, her or their unique** (network) **identity**. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving "contest results" is an example of retrieving profile information based on previous usage information. Regarding the claimed, "profile information comprising user specified filtering criteria, the user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out", the Rangan reference discloses access control functionality or "controlled access to information (such as is commonly used to restrict

viewing by children)" (see col. 12, lines 42-47). However, Rangan does not explicitly disclose the claimed, "user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out". The Ellis et al patent teaches an interactive television program guide system with title and description blocking, where a user may set parental control locks for any type of potentially objectionable programming, as well as potentially objectionable material including titles and descriptions of adult programs (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to have combined the video-on-demand system of Rangan with the additional teachings of Ellis for the advantage of providing user defined filtering of content within the interactive program guide.

Regarding claim 52, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9, lines 12-21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 53, the claimed "wherein the video is an on-demand movie" is met by the Rangan reference which discloses a video-on-demand system (see col. 21, lines 23-27 for example). A movie is defined as a "motion picture" (see the definition of a "movie" as defined in *Merriam-Webster's Collegiate Dictionary* on page 760) and a video-on-demand system allows a user to select a motion picture for viewing whenever they choose or at their own convenience.

Regarding claim 54, Ragan discloses hotspots or hyperlinks are provided for individual video frames (see col. 15, lines 40-47). Necessarily, adding occurs on a frame-by-frame basis.

4. Claims 39-44, 46, 50 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al (US 2002/0059629).

Regarding claims 39 and 46, Ragan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on- demand system (see col. 21, lines 23-27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11, lines 40-63). Rangan still further discloses user-specific hyperlinks (see col. 11, lines 16-25) and targeted hyperlinks (see col. 11, lines 47-53). In addition, Rangan clearly teaches in col. 12, lines 38-48 that:

> The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for **each single one** of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. **Each and every client SUV** may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, **in accordance with his, her or their unique** (network) **identity**. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving

"contest results" is an example of retrieving profile information based on previous usage information.

Regarding the claimed, "profile information comprising user specified filtering criteria, the user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out", the Rangan reference discloses access control functionality or "controlled access to information (such as is commonly used to restrict viewing by children)" (see col. 12, lines 42-47). However, Rangan does not explicitly disclose the claimed, "user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out". The Ellis et al patent teaches an interactive television program guide system with title and description blocking, where a user may set parental control locks for any type of potentially objectionable programming, as well as potentially objectionable material including titles and descriptions of adult programs (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to have combined the video-on-demand system of Rangan with the additional teachings of Ellis for the advantage of providing user defined filtering of content within the interactive program guide.

Rangan fails to disclose retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user.

In analogous art, Markel teaches providing customized enhancement triggers according to the ATVEF compliant code according to a received profile (see ¶ [0010], ¶ [0030], ¶ [0034]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan and Ellis to include the claimed retrieving profile

information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user for the benefit of providing hyperlinking triggers and data using a public standard which can be deployed to a variety of different devices.

Regarding claims 40, 43, and 50, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9. lines 12-21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 41, the claimed "wherein the video is an on-demand movie" is met by the Rangan reference which discloses a video-on-demand system (see col. 21, lines 23-27 for example). A movie is defined as a "motion picture" (see the definition of a "movie" as defined in *Merriam-Webster's Collegiate Dictionary* on page 760) and a video-on-demand system allows a user to select a motion picture for viewing whenever they choose or at their own convenience.

Regarding claim 42, Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract).

Regarding claim 44, the combination of Rangan and Markel teach the claimed limitations, wherein Markel teaches the claimed ATVEF information and Rangan teaches e-commerce for buying or purchasing (see col. 11, lines 16-25).

Claims 55-56 are met by the above.

As to claim 57, the Markel reference further discloses the claimed "ATVEF information relates to descriptive information regarding the video" as met by Fig. 2 and ¶'s [0010]-[0013]

and [0030]-[0031], where descriptive enhancements or enhanced content related to the video signal being displayed may be presented using ATVEF compliant code.

5. Claims 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al (US 2002/0059629), as applied to claims 39 and 46 above, and further in view of Feinleib (USPN 6,637,032).

Regarding claims 45 and 49, the combination of Rangan, Ellis and Markel fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan, Ellis and Markel to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

6. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al

(US 2002/0059629), as applied to claim 46 above, and further in view of Blackketter et al (USPN 6,560,777).

Regarding claims 47 and 48, the combination of Rangan, Ellis and Markel fails to disclose the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast.

In analogous art, Blackketter discloses providing updated enhancement information by modifying the enhancement information transmitted (see col. 2, lines 61-67, col. 3, lines 25-42, col. 10, lines 50-54, col. 12, lines 8-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the enhancement data transmitted with the video in the combination of Rangan, Ellis and Markel, to include the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast for the benefit of providing a user with updated and most recent ATVEF information.

7. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Feinleib (USPN 6,637,032).

Regarding claim 58, Rangan and Ellis fail to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan and Ellis to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoye
March 26, 2007

JOHN MILLER
SUPERVISORY PATENT EXAMINER
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